

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-297-S – ORDER NO. 2007-856  
DECEMBER 12, 2007

IN RE: Application of Midlands Utility, Inc. for	) ORDER GRANTING
Approval of New Schedule of Rates and	) MOTION FOR
Charges for Sewerage Service Provided to its	) CONFIDENTIAL
Customers in Richland, Lexington, Fairfield,	) TREATMENT
and Orangeburg Counties.	)

This matter comes before the Public Service Commission of South Carolina (Commission) on the Motion filed by Midlands Utility, Inc. (Midlands or the utility) to treat as confidential certain information filed with the Commission in the present docket. The requested confidential treatment pertains to the filing of financial statements by Midlands.

Pursuant to 26 S.C. Code Ann. Regs. 103-512 (Supp. 2006), a public utility operating in South Carolina under the Commission's jurisdiction must have on file with the Commission a performance bond with sufficient surety. When an individual acts as surety, as in this case, he shall file with the Commission annually a financial statement showing the individual surety's personal assets, liabilities, and net worth. As required, and on behalf of Midlands, on October 18, 2007, the performance bond with sureties, including the individual financial statements of Keith G. Parnell and Charles K. Parnell, owners of the utility, were filed with the Commission. In order to adhere to the proper bonding format of the Commission, on November 8, 2007, Midlands filed substitute

financial statements of Keith G. Parnell and Charles K. Parnell. Through correspondence filed with the substitute financial statements from the utility's counsel, Midlands filed its motion for confidential treatment. No opposition has been filed regarding the request.

Midlands submits in its motion that the financial information is considered private and personal and is submitted for bonding purposes only and should not be available to the public due to privacy considerations. Pursuant to Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials", issued May 6, 2005, Midlands delineates in the Motion the material for which the confidential treatment is sought and such information was filed in a separate package clearly marked "confidential."

The South Carolina Freedom of Information Act (FOIA) allows exemption from disclosure proprietary business information that meets a definition of "personal information." S.C. Code Ann. Section 30-4-40(a)(2) states that matters which may be exempt from FOIA include: "(2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy."

No opposition has been received, and we find that the information for which Midlands seeks protection as confidential falls within the definition of materials which may be exempted from disclosure under FOIA. The Commission therefore grants the motion of Midlands and provides that the substitute financial statements of Keith G. Parnell and Charles K. Parnell provided to the Commission on behalf of the utility, shall be considered proprietary and confidential and filed under seal. Midlands additionally requests in its motion confidential treatment of future financial statements submitted by the utility. We accord the same confidential treatment to the future filings of Midlands,

but only relative to the individual financial statements of Keith G. Parnell and Charles K. Parnell filed in Docket No. 2004-297-S. This standing order for confidentiality does not apply to any other financials that may be filed by Midlands in the future. If such other financials are filed by the utility, the Commission will address any confidentiality issues concerning those financials at that time.

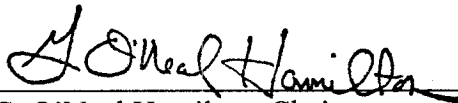
Lastly, Midlands requests that the previous financial statements filed by the utility in this docket on October 18, 2007, also be accorded confidential treatment and remain filed under seal. We grant Midlands' request, accordingly, the financial statements filed by the utility on October 18, 2007, shall be considered proprietary and confidential and filed under seal.

IT IS THEREFORE ORDERED:

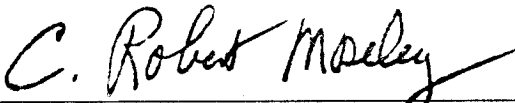
1. The Motion of Midlands Utility, Inc. for confidential treatment of the financial statements submitted by the utility is granted, as these are the individual financial statements of Keith G. Parnell and Charles K. Parnell. The Commission and Commission Staff shall treat the materials as confidential, and such materials shall not be subject to public disclosure absent further order of this Commission. Future filings of the individual financial statements of Keith G. Parnell and Charles K. Parnell filed in Docket No. 2004-297-S shall be afforded the same treatment, but if other financials are filed by the utility, the Commission will address any confidentiality issues concerning those financials at that time.

2. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
G. O'Neal Hamilton, Chairman

ATTEST:

  
C. Robert Moseley, Vice Chairman

(SEAL)